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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/155,796	11/30/1998	TOMOHISA YAMAGUCHI	925-142P	9143
7590	07/08/2005		EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			BUI, KIEU OANH T	
P O BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040			2611	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/155,796	YAMAGUCHI, TOMOHISA
Examiner	Art Unit	
KIEU-OANH T. BUI	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 April 2003.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 19,20,27-31,33-37 and 39-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 19,20,27-31,33-37 and 39-42 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 19 and 20 is withdrawn in view of the newly discovered reference(s) to Suzuki et al. (US 5,479,303). Rejections based on the newly cited reference(s) follow. Pending claims are 19-20, 27-31, 33-37, and 39-42.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US Patent 5,479,303).

Regarding claims 19 and 20, these limitations are met as Suzuki discloses a video data distribution (Fig. 3), and a data management unit 160 in controlling the transmission and delivering a load of video data, wherein the data in a form of frames and the steps of extracting video frames from server or database 153 based on the request of a plurality of users at user terminals 151 in playing back video frames in either a normal playback data speed and/or fast forward/fast reverse playback data speed (as shown in Fig. 4, and col. 4/line 23-58), particularly, when the playback with fast speed, the transmission is determined in a manner as frame data is being thinned, and without the fast playback is performed, the transmission is determined in a manner as frame data is not thinned, i.e., refer to Fig. 4 and the formula of frame thinning with n,

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n+1, n+2 and etc. and col. 5/lines 8-38, since based on this formula, frame skipping will be occurred; therefore, the total number of frames for transmission is surely less than or thinner than that of the required standard or normal playback (see further in col. 2/lines 36-51 for the transmission rate is less or thin for fast forward playback and fast reverse playback than for the normal playback). Furthermore, as also noted in col. 4/line 59 to col. 5/line 8, as the user requests for frames or mode changes, the system provides the response interactively (see col. 3/lines 1-29, Fig. 5, and col. 26-46).

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 27-28, 30-31, 33-37, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (U.S. Patent No. 6,014,693/ or “Ito”) in view of Suzuki et al. (US Patent 5,479,303).

Regarding claims 27, 34, 36, and 37, Ito discloses a video data distribution device for transmitting video data comprising a plurality of frame data to a video playback, i.e., client can receive and replay video data (col. 3/line 58 to col. 4/line 8), comprising: a data extractor for extracting frame data from the video data; and a transmitter for transmitting the frame data extracted by the data extractor, i.e., Ito clearly discloses a video data assembler for extracting

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data based on the load conditions (Fig. 5, and col. 3/line 43 to col. 4/line 8) in Ito's system for delivering compressed stored video data; and a video data delivery unit 15 transmit the extracted data from the video data assembler 14 to client 2 (Fig. 5).

Ito does not further mention that the extracting frame data is performed "corresponding to whether the video data playback device performs fast playback" and the step of extracting data frames by thinning frames as amended; however, Ito does disclose that the client can send or input their request for receiving video data (col. 7/lines 44-50), and in addition, Suzuki teaches, in the same video distribution system, the user can send their request by controlling the rate of delivering video, for example, either fast forward (or quick forwarding), or fast reverse of the distributing video signals and the frame thinning process, for instance, when the playback with fast speed, the transmission is determined in a manner as frame data is being thinned, and without the fast playback is performed, the transmission is determined in a manner as frame data is not thinned, i.e., refer to Fig. 4 and the formula of frame thinning with  $n$ ,  $n+1$ ,  $n+2$  and etc. and col. 5/lines 8-38, since based on this formula, frame skipping will be occurred; therefore, the total number of frames for transmission is surely less than or thinner than that of the required standard or normal playback (see further in col. 2/lines 36-51 for the transmission rate is less or thin for fast forward playback and fast reverse playback than for the normal playback). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ito's system with Suzuki's technique of providing users the ability to control the delivering video data at various speeds to users/clients and frame thinning process as taught by Suzuki.

As for claims 28, 35 and 39, Ito further discloses the steps of "wherein the video data is MPEG data" (Fig. 3, and col. 5/lines 50-62).

As for claim 30, the step of "wherein the MPEG data comprises I pictures and P pictures, and the data extractor generates the MPEG data with P picture deleted therefrom in accordance with a request message from the video data playback device" is taught by Ito as Ito shows when the load is high as the reference value reaches the maximum, the system will transmit only a part of the frame data, i.e., P picture deleted therefrom, if the reference value is lower, all of the frame data such as all the I and P frames can be transmitted (see Figs. 3 & 4, and col. 6/lines 28 to col. 7/lines 26). As disclosed earlier, the request message from the video data playback device is inputted from the user/client as taught by Suzuki.

As for claim 31, Ito discloses the step of "wherein the extractor extracts a reduced number of frames of the frame data", i.e., Ito discloses that when the load is high as the reference value reaches the maximum, the system will transmit only a part of the frame data, in other words, a reduced number of frames of the frame data is transmitted, if the reference value is lower, all of the frame data such as all the I and P frames can be transmitted (see Figs. 3 & 4, and col. 6/lines 28 to col. 7/lines 26).

As for claims 33 and 40, in further view of claim 27, Ito and Suzuki further teaches "wherein the data extractor changes a time stamp for the fast playback, wherein the timestamp is included in header data of the MPEG data" (Ito, Figs. 7-9, and col. 8/line 24 to col. 9/line 58 for timestamps and header data).

As for claims 41-42, these claims for “a computer program for playing back video data, the video data comprising a plurality of frame data and timestamps” are rejected for the reasons given in the scope of system claims 27-28, 31 and 33 as already disclosed above.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (U.S. Patent No. 6,014,693) in view of Suzuki et al. (U.S. Patent 5,479,303) and further in view of Dixit (U.S. Patent No. 5,260,783).

As for claims 29, in further view of claim 27 above, Ito discloses “wherein the MPEG data comprises I pictures and B pictures” (col. 5/lines 50-62), but Ito and Suzuki do not further show the step of “the data extractor generates MPEG data by deleting a B picture in accordance with a request message from the video data playback device”; however, Dixit shows that intra-frame compressed data I can be detected for extracting by an intra-frame encoder with B pictures involved (Dixit, Fig. 2 and col. 2/lines 4-8). Therefore, it would have been obvious to modify Ito’s technique with Dixit’s more details involving B pictures deletion within MPEG data in order to flexibility generating MPEG data based on the load condition processed by the load processing device as shown by Ito (Fig. 5/item 17). As disclosed earlier, the request message from the video data playback device is inputted from the user/client as taught by Suzuki.

### *Conclusion*

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for Technology Center 2600 only)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB  
June 30, 2005